

## **II. REMARKS**

### **Restriction Requirement**

Claims 24-44 are pending. The Examiner has required restriction of the claims to one of the following groups under 35 U.S.C. §121:

- I. Claims 24-43, drawn to a method of treating a B cell lymphoma in a mammal using an antibody/fragment thereof that binds cd20, classified in Class 424, subclass 143.1.
- II. Claim 44, drawn to a method of treating hemorrhagic shock in a mammal using an antibody that binds CD18, classified in Class 424, subclass 130.1.

In response to the restriction requirement, Applicants hereby elect, without traverse, the invention of Group I claims for further prosecution. Applicants expressly reserve the right under 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected subject matter during the pendency of the instant application.

### **Species Election**

The Examiner has further required election of a single disclosed species of components of the stable aqueous pharmaceutical formulation used in the claimed method, comprising the antibody at a specific concentration range, a specific nonreducing sugar, a specific surfactant at a specific concentration range, a specific preservative at a specific concentration range, a specific buffer at a specific concentration range.

With regard to the requirement to elect a single disclosed species, the following species are elected: the antibody/fragment thereof such as F(ab')<sub>2</sub> at about 0.1 to about 50 mg/mL; the polyol is trehalos nonreducing sugar; the acetate buffer is in an amount of about 5-30 mM; and polysorbate surfactant in an amount of about 0.01-0.1% v/v. These elected species read on all claims. With regard to the preservative in claim 40, the benzyl alcohol preservative is at about 0.1% to about 2% (as described in the specification on page 23 line 11).

In the unlikely event that the transmittal letter is separated from this document and the U.S. Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Director to charge the cost of such petitions and/or other fees due in connection with the filing of this document to our Deposit Account No. 07-0630.

Respectfully submitted,  
GENENTECH, INC.

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